

ROCHESTER CITY COUNCIL  
SPECIAL COUNCIL MEETING

JULY 24, 2009

Present - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Absent – Councilmember McFadden - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

**THE COUNCIL PRESIDENT --- INTRODUCTION OF AND ACTION UPON LOCAL LAWS,  
ORDINANCES AND RESOLUTIONS**

**TO THE COUNCIL**

Ladies and Gentlemen:

Resolution No. 209-12, Ordinance No. 2009-261

And Ordinance No. 2009-262

Re: Renaissance Square Project

The Mayor and City Council have been asked by Main & Clinton Local Development Corporation to take certain actions with respect to the Renaissance Square Project.

We support the downtown campus of Monroe Community College (“MCC”) and, with some modifications, the Transit Center. While the Transit Center brings benefits to downtown, it must coexist with the other development and we believe that it is important to reduce its impact on downtown development, particularly along the St. Paul corridor. We are submitting legislation that supports the acquisition of the property for and construction of MCC and the Transit Center subject to the following:

1. Locate the western edge of the Transit Center 185 feet from the eastern curb line of St. Paul Street;
2. Maintain bus turnarounds at the eastern and western ends of the Transit Center;
3. Locate the western bus drive to St. Paul Street such that parking is maximized for the Cox, Warner and Edwards Buildings;
4. Utilize the Mortimer Street ROW to minimize the impact of the bus drive while allowing for delivery service to the Cox Building;
5. The parcel at 211 Pleasant Street shall not be included in the Project; and
6. To the extent possible under law through existing minority hiring programs, proposed project labor agreements and other available means, there should be maximum opportunities for employment of City residents on the Project.

The City will also initiate the required action to abandon Mortimer and Division Streets as required by the

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Project, modified as set forth above.

The Performing Arts Center ("PAC") part of the Project is currently without an owner and unfunded for both construction and an annual operating deficit. There are no existing commitments to fund either and we do not see a current prospect for resolving these issues. The alternative of using the property for a park or some other undefined use some years in the future is not consistent with the best interest of the development of this area. Proceeding with this uncertainty risks having to repay the federal funding used for the PAC. We believe that this funding is better applied to the funded parts of the Project now. Therefore, we do not recommend consenting to the taking of private property for this purpose.

The City will initiate action through private development to acquire and consolidate the properties on the corner of Main and Clinton. A condition of the acquisition will be that the site is available for staging of the MCC and Transit Center construction or another acceptable staging area is provided if the buildings are retained. Should private development that meets these criteria not develop in time to serve the needs of the Project, the City will take direct action to meet the Project's needs.

Staging is the only current purpose for the site for which the Project has funding. By taking the described action with respect to the corner properties, the City will relieve the Project of the risk of having to repay federal funds spent on this property for a PAC. Those funds can be reinvested in the balance of the Project now, when the design is not complete and the construction not started. After the staging use is completed, the consolidated property will be used for private commercial development with an emphasis on retail and retaining the historical appearance. The City will entertain all future proposals for the site.

Therefore, in order to implement the Project and subject to the conditions set forth above, transmitted herewith for your approval is legislation:

1. Approving the sale of the old Mortimer Street Garage parcel, constituting a portion of 83 Mortimer Street, SBL#106.790-1-55.1, to the RGRTA for its appraised value;
2. Consenting to the acquisition by condemnation or by purchase of parcels by the RGRTA for use for the Transit Center and for the downtown campus of MCC; and
3. Approving modifications to the Mortimer Street Garage to provide for a pedestrian connection from the garage to the Project concourse.

We believe that these actions meet all of the needs of the Project for which there is funding and for which work is scheduled to proceed and are sufficient to qualify for the next federal grant.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Gladys Santiago  
President

Resolution No. 2009-12  
(Int. No. 288)

Resolution Consenting To The Acquisition  
Of Parcels For The Renaissance Square  
Project By The Rochester-Genesee Regional  
Transportation Authority

WHEREAS, the City Council of the City of Rochester has been asked by the Rochester-Genesee Regional Transportation Authority to consent to its acquisition of parcels necessary for the Renaissance Square Project; and

WHEREAS, the City Council consents to the acquisition of parcels necessary for purposes of the downtown campus of Monroe Community College (MCC), as part of the Renaissance Square Joint

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Development Project with the Transit Center. The Council further consents to the taking of property for and construction of the Joint Development Project Transit Center, subject to the following:

1. Locate the western edge of the Transit Center 185 feet from the eastern curb line of St. Paul Street;
2. Maintain bus turnarounds at the eastern and western ends of the Transit Center;
3. Locate the western bus drive to St. Paul Street such that parking is maximized for the Cox, Warner and Edwards Buildings;
4. Utilize the Mortimer Street ROW to minimize the impact of the bus drive while allowing for delivery service to the Cox Building;
5. The parcel at 211 Pleasant Street shall not be included in the Project; and
6. To the extent possible under law through existing minority hiring programs, proposed project labor agreements and other available means, there should be maximum opportunities for employment of City residents on the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, as follows:

Section 1. Pursuant to Section 1299-ii(1) of the Public Authorities Law, the City Council of the City of Rochester, subject to the Project modifications set forth in the second WHEREAS clause above, hereby consents to the acquisition by condemnation or by purchase of the following parcels by the Rochester-Genesee Regional Transportation Authority for use in the Renaissance Square Project for purposes of a transportation facility or for purposes of the downtown campus of Monroe Community College:

Address	SBL #	Reputed Owner
58-60 St. Paul Street	106.79-1-60	Mortimer St LLC
62 St. Paul Street	106.79-1-59	Mortimer St LLC
58 Mortimer Street	106.79-1-56	Mortimer St LLC
65-71 North Clinton Avenue	106.79-1-49	71 North Clinton Associates
150 East Main Street	121.23-2-5.1	County of Monroe
Pt. of 83 Mortimer Street	Pt. of 106.79-1-55.1	City of Rochester
186 East Main Street	121.23-2-9	Edwin H. Cohen
170-172 East Main Street	121.23-2-7	Edwin H. Cohen
190-194 East Main Street	121.23-2-10	Edwin H. Cohen
176-182 East Main Street	121.23-2-8	Byzantine Inc.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2009-261  
(Int. No. 289)

Authorizing The Sale Of The Old  
Mortimer Street Garage Parcel

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the old Mortimer Street Garage parcel, constituting a portion of 83 Mortimer Street, SBL#106.790-1-55.1, to the Rochester-Genesee Regional Transportation Authority for its appraised value for use in the Renaissance Square Project, subject to compliance with the conditions set forth in the second WHEREAS clause of the Resolution Consenting To The Acquisition Of Parcels For The Renaissance Square Project By The Rochester-Genesee Regional Transportation Authority adopted at this meeting.

Section 2. This ordinance shall take effect immediately.

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Passed unanimously.

Ordinance No. 2009-262  
(Int. No. 290)

Approving Modifications To The  
Mortimer Street Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester hereby approves modifications to the Mortimer Street Garage to provide for a pedestrian connection from the garage to the proposed Renaissance Square Project, subject to compliance with the conditions set forth in the second WHEREAS clause of the Resolution Consenting To The Acquisition Of Parcels For The Renaissance Square Project By The Rochester-Genesee Regional Transportation Authority adopted at this meeting. The Mayor is hereby authorized to enter into necessary agreements with Main & Clinton Local Development Corp. and/or other necessary parties for such modifications.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 10:40 A.M.

DANIEL B. KARIN  
City Clerk